

July 26, 2006

*Via Electronic Submission*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Notice of Ex Parte Presentation: CG Docket No. 02-278

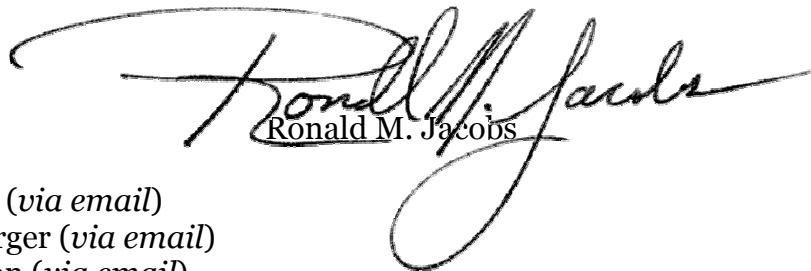
Dear Ms. Dortch:

On July 26, 2006, Jerry Cerasale of the Direct Marketing Association ("DMA") together with Heather L. McDowell and Ronald M. Jacobs, of Venable LLP, met with Michele Carey of Chairman Martin's office to discuss issues surrounding preemption and telemarketing. At the meeting, DMA discussed its prior submissions regarding preemption and reiterated its view that the Commission should act to preempt certain state telemarketing laws as they are applied to interstate telephone calls.

In addition, DMA discussed a petition for certiorari filed last week with the United States Supreme Court by FreeEats.com, Inc. The petition seeks review of decision by the North Dakota Supreme Court holding that the Telephone Consumer Protection Act does not preempt North Dakota's attempt to regulate political speech conducted by interstate telephone call. DMA provided a copy of the petition to Ms. Carey (a copy is attached).

In accordance with the Commission's rules, a copy of this letter is being filed electronically for inclusion in the public record of this proceeding.

Sincerely,

  
Ronald M. Jacobs

cc: Michele Carey (*via email*)  
Aaron Goldberger (*via email*)  
Erica McMahon (*via email*)

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Jerry Cerasale (*via email*)